

FISCAL NOTE
SB 3139 - HB 3094

March 8, 2004

SUMMARY OF BILL: Enacts the "Mutual Aid and Emergency and Disaster Assistance Agreement Act of 2004" which governs the provision and receipt of mutual aid and assistance between local governments in an emergency. Authorizes local mayors to declare local states of emergency in their jurisdictions and specifies that such declaration entitles responding parties to cost reimbursement from a party requesting aid. Provides for participating governmental entities to send personnel and equipment outside their boundaries in response to a request for aid. Outlines information to be included in a request for aid. Specifies that the responding party determines whether and to what extent it will provide assistance. Provides that employees of a responding party are considered employees of that responding party except for purposes of the Governmental Tort Liability Law. Specifies that for purposes of tort liability the employees of the responding party will be considered employees of the requested party once they have arrived in the requesting jurisdiction. Provides for the requesting party to pay the responding party for costs incurred at a rate not to exceed rates on TEMA's reimbursement fee schedule. Outlines details for reimbursement by requesting party of responding party's personnel, equipment, materials, and supplies costs. Provides for maintenance of records, submission of invoices, and requirements for requesting FEMA reimbursement. Authorizes governmental entities which are parties to existing mutual aid agreements to continue under those agreements. Specifies that local governments are not prohibited from entering into new mutual aid agreements. Provisions of the bill apply where no other agreements exist or where existing agreements are not affirmed by July 1, 2004.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact - Provisions regarding reimbursement of a responding party by a requesting party may result in increases or decreases in the expenditures and revenues of each party depending on the existence and terms of current mutual aid agreements. Shifts tort liability from the responding party to the requesting party which would shift associated expenditures. The net impact is estimated to be not significant.

Estimate assumes provisions of the bill provide a uniform method for handling local government mutual aid and assistance in emergencies and bring Tennessee law in conformance with federal law. Any impact on the revenues and expenditures of participating local governments depends on the current practice of such local governments with regard to mutual aid and assistance agreements.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director